

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NORTHERN CALIFORNIA  
RIVER WATCH

No. C05-2879 WDB

CASE MANAGEMENT  
AND PRETRIAL ORDER  
(**Court Trial**)

Plaintiff

v.

BO DEAN COMPANY, INC.

Defendant.

On May 10, 2006, the parties appeared for a further Case Management Conference. Having considered the current posture of the case and input from the parties, the Court enters the following case management and pretrial order:

1. TRIAL DATE

Court trial shall begin on **July 11, 2007 at 10:30 a.m.** in Courtroom 4, Third Floor, 1301 Clay Street, Oakland, California.

2. DISCOVERY

a. The parties must complete all **non-expert discovery** by **February 28, 2007**.

b.. Both parties must disclose their experts by **February 28, 2007**. Plaintiff's expert report is due by **March 28, 2007**. Defendant's expert report is due by **April 15, 2007**.

c. All **expert discovery**, including depositions, must be completed by **May 15, 2007**.

3. MOTIONS

All dispositive motions shall be **served and filed by May 24, 2007**. Prior to filing, the party bringing the motion must reserve a hearing date by calling the Court at **510-637-3324**.

4. PRETRIAL CONFERENCE

a. A final pretrial conference will be held on **June 27, 2007, at 1:30 p.m.** in Courtroom 4, 3rd Floor.

b. **Not less than thirty (30) days** prior to the date of the pretrial conference, all counsel and/or parties shall meet and confer regarding motions in limine and any disputes regarding the qualifications and experience of expert witnesses. The court understands that the deadlines established herein will require the parties to exchange witness and exhibit information prior to the meet and confer process.

c. **Not less than twenty (20) days** prior to the pretrial conference, counsel and/or parties shall:

- (i) serve and file pretrial statements;
- (ii) serve and file an exhibit setting forth the qualifications and experience of each expert witness;
- (iii) serve and file statements designating excerpts from discovery that will be offered at trial (specifying the witness and page and line references),
- (iv) serve and file (1) all objections to witnesses or exhibits in the form of motions in limine and (2) all objections to the qualifications of expert witnesses.

The court will entertain foundational objections as to any document only if (1) the document is of real significance in adjudicating the merits of the case and (2) objecting counsel articulates a principled basis for believing that the document is not what it purports to be.

1 d. **Not less than ten (10) days** prior to the pretrial conference, counsel and/or  
2 parties shall serve and file (1) any oppositions to motions in limine, and/or (2) any oppositions  
3 to objections to the qualifications and experience of expert witnesses. There will be no replies.

4 All motions in limine and objections shall be heard at the pretrial conference.

5 e. The parties are not required to file proposed findings of fact and  
6 conclusions of law. Within the parties' **joint pretrial statement** each party must set forth:

7 (1). a succinct chronological description of the alleged events and circumstances  
8 out of which the parties' claims and defenses arise;

9 (2) a brief description of the substance of claims and defenses that remain to be  
10 decided, citing the primary sources of legal authority for each such claim or  
11 defense;

12 (3) a statement of all the relief requested, including an itemization of the elements of  
13 damages claimed;

14 (4) any stipulations proposed for pretrial and trial purposes.

15 These statements will serve as the parties' "pretrial briefs."

16 f. **Not less than three (3) days** prior to the trial, counsel and/or parties shall:

17 (i) serve and file a numerical list of each party's exhibits, including a brief  
18 statement describing the substance of each exhibit (the court has attached  
19 to this Order an example of an "Exhibit List");

20 (ii) exchange each party's final set of exhibits, which shall be premarked and  
21 tabbed, plaintiff using a "P" suffix and defendant a "D" suffix on all exhibit  
22 numbers (the court has attached to this Order the form of exhibit labels to  
23 be used by each side -- counsel shall not write in the space provided for  
24 "date entered" or "signature"); and

25 (vi) deliver three sets of all premarked exhibits to chambers (exhibits are not  
26 to be filed).

27 No party shall be permitted to call any witness or offer any exhibit in its case in chief that  
28 is not disclosed in its pretrial statement without leave of court and for good cause shown.

5. All documents e-filed with the Clerk of the Court shall list the civil case number followed only by the initials "**WDB**." One copy also must be delivered directly to Magistrate Judge Brazil and clearly marked as a **chambers** copy.

IT IS SO ORDERED.

Dated: May 18, 2006

*/s/ Wayne D. Brazil*

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WAYNE D. BRAZIL  
United States Magistrate Judge

Copies to:  
All parties  
WDB, Stats